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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,309	12/16/2004	Walter Gerlich	2002P03697WOUS	6666

7590 12/05/2006  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/518,309	Applicant(s) GERLICH ET AL.	
	Examiner Felix O. Figueroa	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-20, 22, 23, 25-27, 30, 32, 34 and 37-42 is/are pending in the application.

4a) Of the above claim(s) 40-42 is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-20, 22, 23, 25-27, 30, 32, 34 and 37-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 40-42 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 40-42 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The new claims are drawn to a different species that is mutually exclusive from the original species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-42 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-20 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Gutter et al. (US 4,696,908).

Gutter discloses a contact device (10,31) for an electrical cable with a cable shield, comprising: an arc-shaped contact part that can be fastened around the sheath of the cable and is provided with contact elements (16) that protrude in a radially inward manner, wherein each contact element includes a tip (42) to penetrate the cable sheath and produces an electrical contact with the cable shield, wherein after installation, each

contact is arranged in a direction of impact that is oriented inwards in a substantially radial manner, wherein the contact part is formed as a cable clip (10,31), wherein a gear ring (defined by 16) is formed from radially inward bent edges of the cable clip being, wherein teeth of the gear ring form the contact elements, wherein the gear ring has a plurality of rigid stops (18) bent radially inward between the teeth, the stops centering the cable when the cable clip is in a fastened state.

Regarding claim 17, Gutter discloses the teeth of the fastened contact clip penetrating the cable sheath such that an electrical contact is provided in an essentially concentric area with respect to the longitudinal axis of the cable.

Regarding claims 18 and 19, Gutter discloses the cable clip is the made from a punched and shaped component of sheet metal section.

Regarding claims 20, Gutter discloses the contact teeth being triangular and shaped and the tips are arranged at equal distances apart.

Regarding claims 25 and 26, Gutter discloses the teeth being arranged of the peripheral side over gaps (Fig.1).

Regarding claim 27, Gutter discloses the contact part and all the teeth being made from one piece and from the same metallic material.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter et al. (US 4,696,908).

Regarding claims 22-24, Gutter discloses the claimed invention except for height of the tooth. It would have been an obvious matter of design preference to form the sized of the tooth to be smaller than the thickness of the cable sheet and the cable shield in order to reduce the chances of short-circuiting with the inner conductors, and since such modification would have involved a mere change in the size of a component. A change in size is recognized as being within the level of ordinary skill in the art. *In re rose*, 105 USPQ 237 (CCPA 1955).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter in view of Rumbach et al. (US 2003/0175550).

Gutter discloses substantially the claimed invention except for the corrosion-resistant material. Rumbach teaches the use of a tin as a corrosion-resistant coating to prevent corrosion and provide a reliable performance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a corrosion-resistant material, as taught by Rumbach, to prevent corrosion and provide a reliable performance.

Claims 32, 34 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutter in view of Applicant's Admitted Prior Art (AAPA) in Figure 1 and Tanges, Jr. (US 3,452,318).

Gutter, as modified (see discussion on claims 16 and 35 above), discloses substantially the claimed invention except for the substantially flat base with a bolt

fixing. AAPA teaches a contact device (6) grounding a cable, and including a substantially flat base with a bolt fixing to easily secure the grounding device to ground. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the contact device of the AAPA with teeth contact elements, as taught by Gutter, to easily secure the grounding device to ground.

Gutter, as modified by AAPA, discloses substantially the claimed invention except for the tips being equally spaced from adjacent tips. However, it would have been an obvious matter of design preference to form the tips being equally spaced from adjacent tips, as shown by Tanges, in order to simplify construction of the device, and since applicant has not disclosed that such arrangement solves any stated problem or is for any particular purpose. See further discussion in Response to Arguments.

Regarding claim 37, Gutter discloses the stops preventing further penetration of the contact part into the cable when the stops contact the cable during installation.

Regarding claim 38, Gutter discloses that after installation, each contact element is arranged in a direction of impact that is oriented inwards in a substantially radial manner.

Regarding claim 39, Gutter discloses the cable clip being made from a punched and shaped component of sheet metal section.

### ***Response to Arguments***

Applicant's arguments regarding claim 16 have been fully considered but they are not persuasive.

In response to Applicant's argument that Gutter does not disclose rigid stops, please note that the stops of Gutter are sufficiently rigid to center the cable and to limit insertion of the tips. Please note that Figure 3 shows that the stops maintain their form even after being compressed against the cable. It is further noted that Applicant's stops are not completely rigid, but require enough flexibility as to allow a cable to be inserted into the device.

Applicant's arguments regarding claim 34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Felix O. Figueroa  
Art Unit 2833